

Filed 7/11/18 by Clerk of Supreme Court
IN THE SUPREME COURT
STATE OF NORTH DAKOTA

2018 ND 150

Jason Wayne Oien,

Petitioner and Appellant

v.

State of North Dakota,

Respondent and Appellee

No. 20180078

Appeal from the District Court of Cass County, East Central Judicial District,
the Honorable Thomas R. Olson, Judge.

AFFIRMED.

Per Curiam.

Benjamin C. Pulkrabek, Mandan, ND, for petitioner and appellant; submitted
on brief.

Nicholas S. Samuelson (argued), under the Rule on Limited Practice of Law
by Law Students and Tristan J. Van de Streek (appeared), Assistant State's Attorney,
Fargo, ND, for respondent and appellee.

Oien v. State
No. 20180078

Per Curiam.

[¶1] Jason Oien appeals from a district court judgment denying his application for post-conviction relief. Oien pled guilty to manslaughter and two counts of criminal conspiracy and was sentenced. He subsequently applied for post-conviction relief. The district court held an evidentiary hearing and denied his request for relief. On appeal, Oien argues the district court erred in denying his post-conviction relief application because his trial counsel was ineffective and “convinced him into agreeing to an Alford Hearing and not going to trial.” We conclude the district court’s finding that Oien’s counsel’s representation did not fall below an objective standard of reasonableness is not clearly erroneous. We summarily affirm under N.D.R.App.P. 35.1(a)(2) and (7). *See Booth v. State*, 2017 ND 97, ¶ 8, 893 N.W.2d 186 (citation omitted) (“Courts need not address both prongs of the *Strickland* test, and if a court can resolve the case by addressing only one prong it is encouraged to do so.”).

[¶2] Gerald W. VandeWalle, C.J.
Jon J. Jensen
Lisa Fair McEvers
Daniel J. Crothers
Jerod E. Tufte